

UNITED STATE DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

V.

DOCKET NO. 13-CR-00112-LM

ALEXANDER GUZMAN

MOTION TO DETERMINE COMPETENCY

NOW COMES the accused, Alexander Guzman, by and through counsel, and pursuant to 18 U.S.C. § 4241, moves this Court for a determination of his competency to stand trial.

In support of this motion, the accused states as follows:

1. The accused stands charged with conspiracy to distribute cocaine and distribution of cocaine. The accused was indicted on these charges in the Southern District of Texas and is in the District of New Hampshire pursuant to his consent, under Rule 20 of the Federal Rules of Criminal Procedure, to resolve his case in this District by way of a guilty plea.
2. During the course of the case, the accused has made statements that led the undersigned counsel to request that he be evaluated by a psychologist to determine his competency to stand trial. Dr. Eric Mart subsequently performed the requested evaluation of the accused on January 17, 2014.
3. The undersigned counsel does not yet have Dr. Mart's report on his evaluation of the accused. Nevertheless, Dr. Mart has informed the undersigned counsel that he is of the opinion that the accused currently is not competent to stand trial. Dr. Mart further informed the undersigned that he believes that the accused could be restored to competency with the appropriate medication regimen.

4. The procedure for initiating a determination of the competency of a criminal defendant to stand trial is laid out in 18 U.S. C. 4241 (a) which states, in pertinent part, that “at any time after the commencement of a prosecution for an offense.....the defendantmay file a motion for a hearing to determine the mental competency of the defendant. The Court shall grant the motion.....if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetence to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” The balance of 18 U.S.C. 4241 and 4247 set forth the procedures that follow the initiation of a competency request and the hearing that takes place as a result of that request.

WHEREFORE, the accused respectfully requests that this Court determine the accused’s competency to stand trial.

Respectfully submitted,
Alexander Guzman,
By his Attorney,

Date: March 19, 2014

/s/Paul J. Garrity
Paul J. Garrity
14 Londonderry Road
Londonderry, NH 03503
603-434-4106
Bar No. 905

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 19th day of March, 2014, a copy of the within was mailed, postage prepaid, to the United States Attorney’s Office and to Alexander Guzman.

/s/Paul J. Garrity
Paul J. Garrity